

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

FRANK PADRO,

Plaintiff,

v.

DR. AHMAR SHAKIR, et al.,

Defendants.

---

Civil Action No. 15-7096 (MAS)(DEA)

**MEMORANDUM AND ORDER**

Plaintiff is proceeding, *in forma pauperis* (“IFP”), with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. The Complaint primarily asserts claims arising out of alleged denials of proper medical services in violation of the Eight Amendment, and other related state law claims. Presently before the Court is Defendant Dr. Scott Miller’s Motion for Summary Judgment (“Motion”). (ECF No. 59.)


This is the second summary judgment motion filed by Defendants. Defendant Dr. Ahmar Shakir previously moved to dismiss the medical malpractice claim against him, which the Court granted, in part, due to Plaintiff’s concession with respect to the Affidavit of Merit (“AOM”) defense. (Order, May 9, 2018, ECF No. 65.) The Court, however, held that other claims, such as Plaintiff’s constitutional tort claim, remain before the Court. (*Id.* at 2.)

Dr. Miller’s motion raises the exact same AOM defense, and Plaintiff again concedes to the defense. Just like Dr. Shakir, however, Dr. Miller does not address Plaintiff’s constitutional claim, or any other claim for that matter. As such, for the same reasons articulated by the Court in its previous order, the Court grants Dr. Miller’s motion regarding Plaintiff’s medical malpractice claim against him, but all other claims remain before the Court.

IT IS therefore on this 10<sup>th</sup> day of June, 2018,

**ORDERED** that Defendant Dr. Scott Miller's Motion for Summary Judgment (ECF No. 59) is hereby **GRANTED**; and it is further

**ORDERED** that the medical malpractice claim against Dr. Miller is hereby **DISMISSED**.

  
\_\_\_\_\_  
**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**